

# **Service Provider Title VI Training Civil Rights Act of 1964**

**Presented By:**

**Tennessee  
Department  
of  
Finance and Administration  
Division of Intellectual Disabilities Services**

# Goal

**To protect the civil rights of service recipients and to ensure equal access to programs, activities, and services regardless of race, color, or national origin.**

# Objectives

Participants will:

- ◆ Know what Title VI is,
- ◆ Understand the keys to compliance,
- ◆ Understand how the law is enforced,
- ◆ Understand the state's role in Title VI compliance,
- ◆ Know DIDS service provider's responsibilities in complying with Title VI and LEP,
- ◆ Know where to get technical assistance,
- ◆ Recognize the relationship of Title VI to other related Civil Rights laws

# Human Rights

Human rights are innate rights and freedoms to which all humans are entitled. These rights include the right to life, liberty, equality, and the pursuit of happiness. Human rights also refer to basic respect and dignity that should be afforded each individual. *(US Constitution, Declaration of Rights for MR, and AAIDD)*

# Civil Rights

**Civil rights are enforceable rights or privileges, which if interfered with by another gives rise to an action for injury. Examples of civil rights are freedom of speech, press, and assembly; the right to vote; freedom from involuntary servitude; and the right to equality in public places. Discrimination occurs when the civil rights of an individual are denied or interfered with because of their membership in a particular group or class.**

# Civil Rights Laws

Agencies receiving funding from the Federal government must comply with certain Federal civil rights laws that apply to entities that receive Federal funding. These laws include: (1) **Title VI of the Civil Rights Act of 1964**, 42 U.S.C. § 2000d et seq., and its implementing regulations at 45 C.F.R. Part 80 (Title VI); (2) **Section 504 of the Rehabilitation Act of 1973**, 29 U.S.C. § 794, and its implementing regulations at 45 C.F.R. Part 84 (Section 504); and (3) **the Age Discrimination Act of 1975**, 42 U.S.C. § 6101 et seq., and its implementing regulations at 45 C.F.R. Part 91 (Age Discrimination Act). **Title II of the Americans with Disabilities Act of 1990**, 42 U.S.C. § 12131, and its implementing regulations at 28 C.F.R. Part 35 (ADA), which apply to state and local governments.

All of these Federal civil rights laws prohibit certain types of discrimination. Title VI prohibits discrimination on the basis of race, color, or national origin. Section 504 and the ADA prohibit discrimination on the basis of disability. The Age Discrimination Act prohibits discrimination on the basis of age.

# Attorney General's Opinion #92.47

- Question: Whether state agencies, local government entities, private and non-profit corporations receiving direct or indirect federal assistance are “recipients” subject to Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987.

- **Opinion: Agencies or corporations which receive federal financial assistance are subject to the restrictions of Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987.**

# **Federal Regulations Assurances Required**

**Recipients of federal financial assistance must sign an assurance agreement with respect to non-discrimination prior to receiving federal financial assistance.**

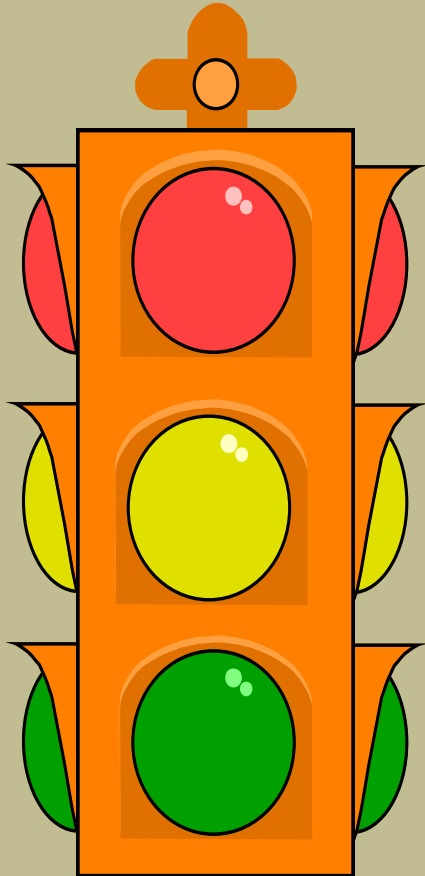
**Recipients of federal financial assistance must assure that they provide meaningful access to waiver services by Limited English Proficient persons in accordance with: (a) Presidential Executive Order 13166 of August 11, 2000 (65 FR 50121) and (b) Department of Health and Human Services "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (68 FR 47311 - August 8, 2003).**

# What is Title VI?

**“No person in the United States shall on the basis of race, color or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”**

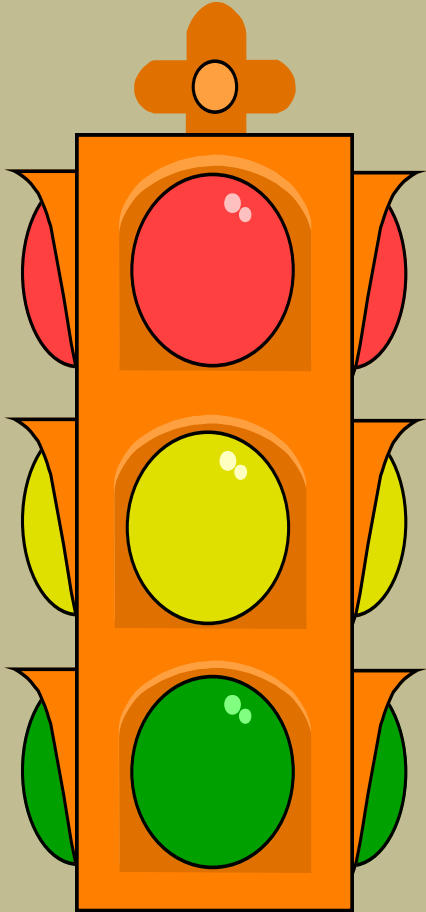
**Civil Rights Act of 1964**

# Prohibited Practices



- ❖ Denial of any individual, any services, opportunities, or other benefits for which that individual is otherwise qualified;
- ❖ Provide any individual with any service, or other benefit, which is different or is provided in a different manner from that which is provided to others in a program;
- ❖ Subject any individual to segregated or separate treatment in any manner related to his receipt of service;

# Prohibited Practices

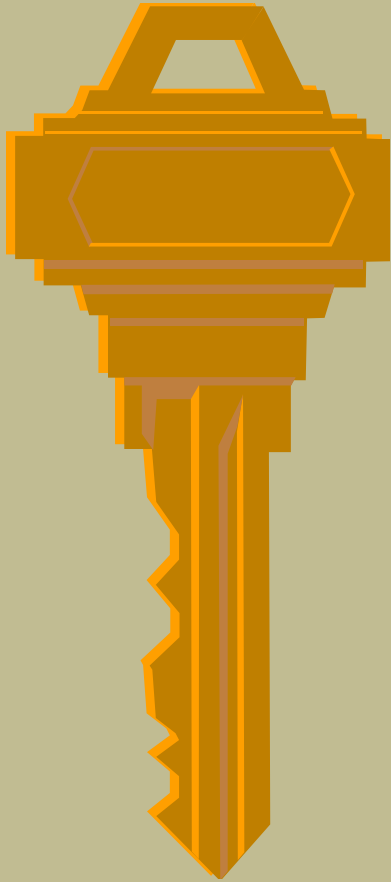


- ❖ Restrict an individual in any way in the employment of services, facilities or any other advantage, privilege or other benefit provided to others under the program;
- ❖ Adopt methods of administration which would limit participation by any group of recipients or subject them to discrimination;
- ❖ Address an individual in a manner that denotes inferiority because of race, color, or national origin.

# **Title VI does not apply to:**

- 1. Employment, except where the purpose of the federal assistance is to provide employment.**
- 3. Relief for discrimination based on age, sex, geographical locale or wealth.**
- 4. Direct benefit programs such as Social Security.**

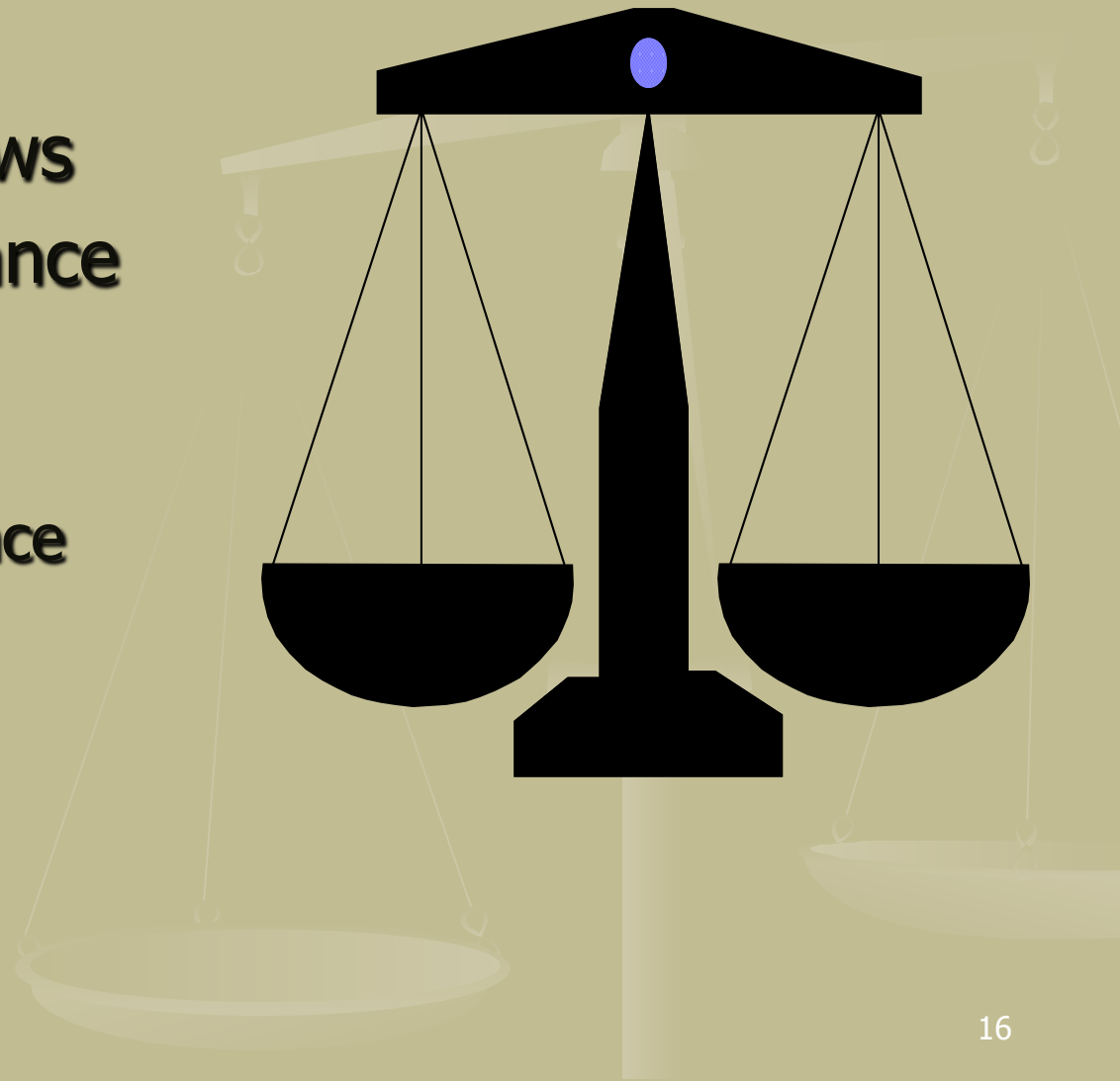
# Key to Agency Compliance



- ❖ **Ensure that service recipients receive**
    - ◆ **equal treatment**
    - ◆ **equal access**
    - ◆ **equal rights**
    - ◆ **equal opportunities**
- without regard to their race, color, national origin, or Limited English Proficiency (LEP).**

# How The Law Is Enforced

- ❖ **Complaints**
- ❖ **Compliance Reviews**
- ❖ **Voluntary Compliance**
  - ◆ **Education**
  - ◆ **Training**
  - ◆ **Technical Assistance**



# How The Law Is Enforced

**Complaint/Compliance Review**

**Investigation**

**Written  
Non-compliance  
Finding**

**Written  
Compliance  
Finding**

# How The Law Is Enforced

**Efforts to Secure Voluntary Compliance**

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graph TD; A[Efforts to Secure Voluntary Compliance] --> B[Resolved]; A --> C[Unresolved]; B --> D[Voluntary Compliance Agreement];
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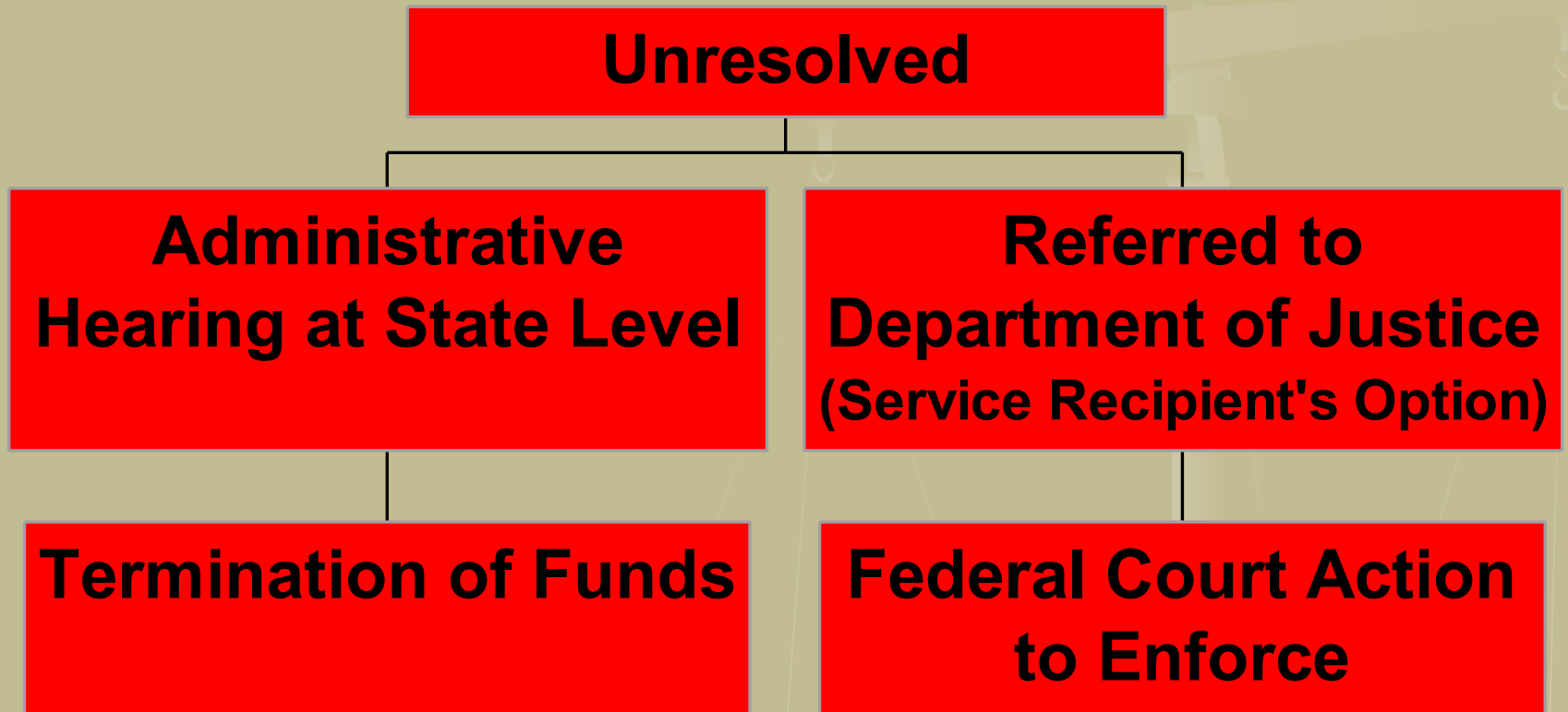
The diagram is a flowchart illustrating the process of law enforcement. It begins with a central box labeled 'Efforts to Secure Voluntary Compliance'. This box branches into two paths: 'Resolved' and 'Unresolved'. The 'Resolved' path leads to a box labeled 'Voluntary Compliance Agreement'. The 'Unresolved' path does not lead to any further box in this diagram. The background of the slide features a faint image of a pair of scales of justice.

**Resolved**

**Unresolved**

**Voluntary Compliance Agreement**

# How The Law Is Enforced



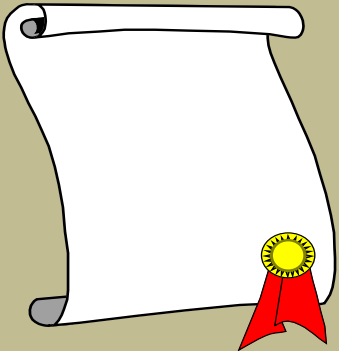
# DIDS

## Title VI Compliance

**DIDS must submit an annual Title VI compliance report and implementation plan to the Comptroller of the Treasury pursuant to the requirements of Section 4-21-901, Tennessee Code Annotated. The plan includes:**

- ❖ **Efforts to comply with Title VI**
- ❖ **Plan of Action to comply with Title VI through policies, procedures, and monitoring processes**
- ❖ **Status report on previous year's plan**
- ❖ **Goals and Objectives**



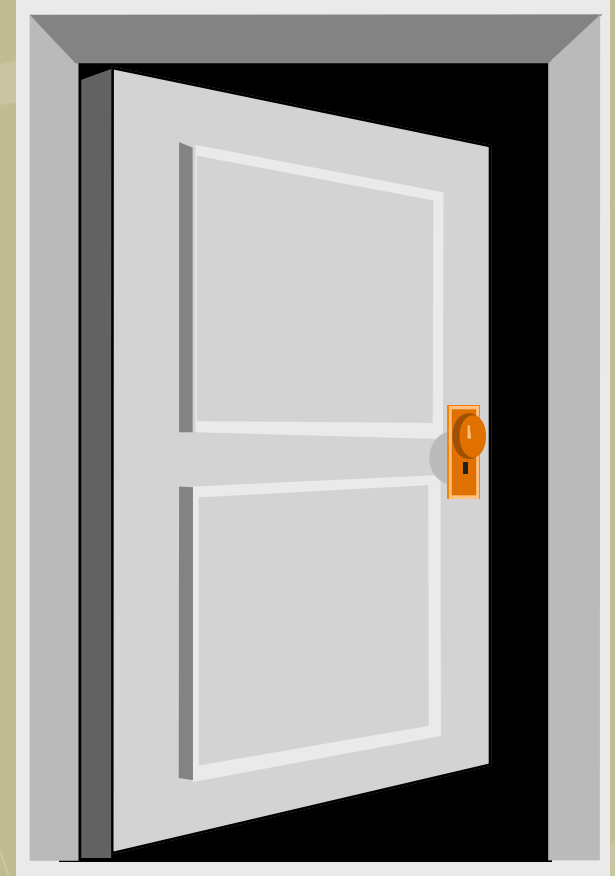


# **DIDS Service Provider Responsibilities**

- ❖ **Designate a Title VI Coordinator.**
- ❖ **Policies and Procedures to minimally include**
  - ◆ **How employees are trained on Title VI**
  - ◆ **How individuals receiving services are informed about Title VI**
  - ◆ **Complaint Procedures**
- ❖ **Ensure that LEP service recipients have meaningful access**

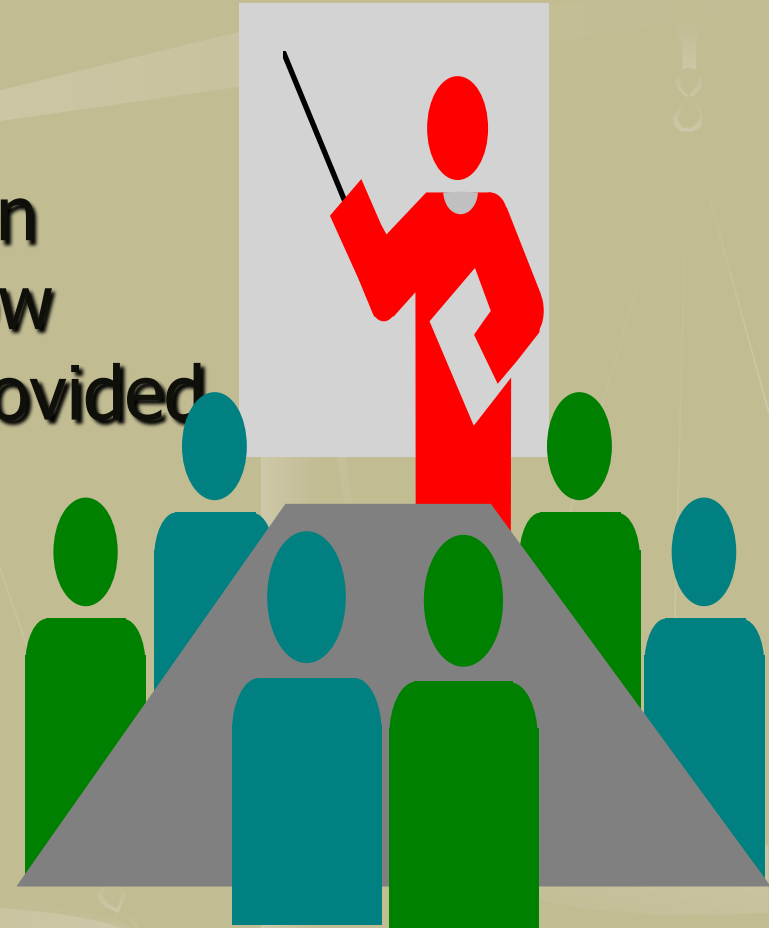
# Meaningful Access

- ❖ Do LEP service recipients:
  - ◆ get adequate information?
  - ◆ receive services/benefits for which they are eligible?
- ❖ Are LEP service recipients able to communicate the relevant circumstances of their situation?

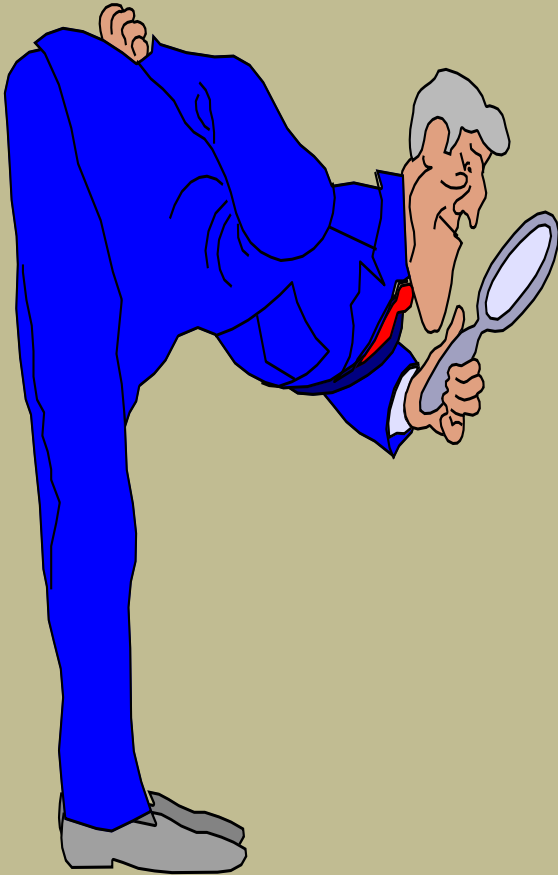


# Five Elements of Effective Language Assistance Programs

- ❖ Identify language needs
- ❖ Develop and implement written policies and procedures for how language assistance will be provided
- ❖ Train staff
- ❖ Provide notice to LEP persons
- ❖ Monitor vigilantly



# Title VI Self-Survey



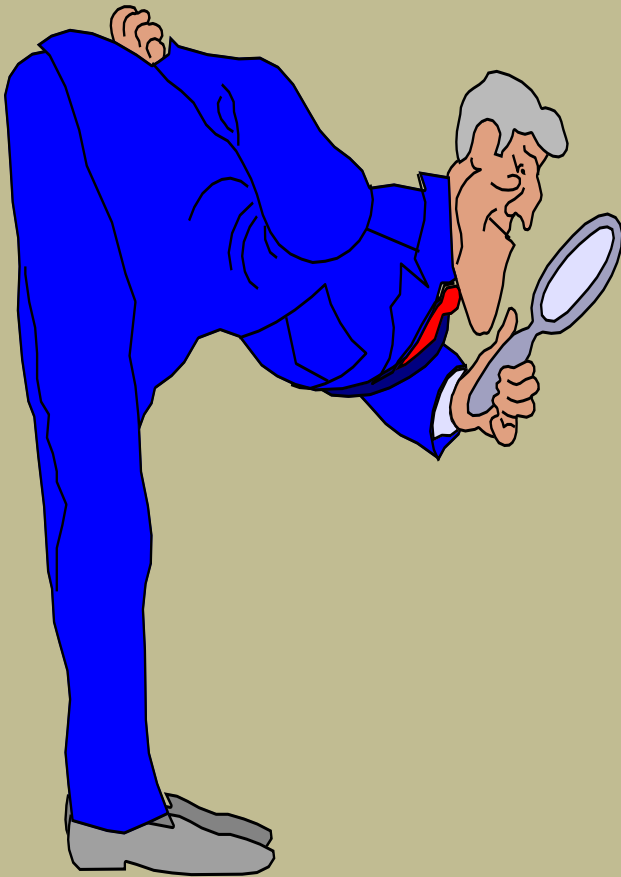
- ❖ Submitted annually. Survey period:  
July 1st – June 30th
- ❖ Cover policies and procedures, board make-up, training of staff, LEP activities and notification of service recipients.
- ❖ Have consequences for non-compliance.

# Title VI Self-Survey



- DIDS Service Providers shall submit annual Title VI Self-Surveys to DIDS Office of Civil Rights by August 30<sup>th</sup> of each year. The reporting period shall cover the most recent full fiscal year ( July 1 –June 30).

# On-Site Monitoring



**Conducted annually by DIDS monitors or Title VI Coordinator:**

- ❖ **Review personnel records for individual staff's Title VI orientation and annual training.**
- ❖ **Title VI notification to service recipients and Title VI poster.**
- ❖ **Review for evidence of complaints.**

# Service Provider Registry

No provider will be able to contract with the State unless they are in the Service Provider Registry System.

- ❖ Identifies ownership characteristics of businesses
  - ◆ Not Classified
  - ◆ Small Business
  - ◆ Minority/Disadvantaged



# Related Laws

- ❖ **Title VII - prohibits discrimination in employment on the basis of race, color, religion, sex, or national origin. All institutions or agencies with 15 or more employees are affected.**
- ❖ **Title IX (1972) - prohibits discrimination on the basis of sex in any education program or any activity receiving federal financial assistance.**

# Technical Assistance

- ❖ **Needs Assessments**
- ❖ **Complaint Process**
- ❖ **Training**
- ❖ **Supplies**
- ❖ **Resources**

- ❖ **Contact: Brenda Clark**  
**Director, DIDS Office of Civil Rights**  
**Andrew Jackson Building**  
**500 Deaderick Street**  
**Nashville, Tennessee 37243**  
**(615) 253-6811 or 1-800-535-9725**

